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Remarks

Applicant hereby affirms the provisional election of the invention of group II for prosecution if no generic claim is finally held to be allowable. However, Applicant believes that the definition of group II is better defined without the word "referring".

Responsive to the Examiner's objection to the specification, Applicant has amended the paragraph starting on page 1, line 28, which includes page 2, lines 1 and 3, to delete the URLs. In place of the URLs, a brand name of the corresponding Internet portal, namely ALTAVISTA™, is provided.

Claims 14, 25 and 27 were rejected under 35 U.S.C. 112, second paragraph. Claim 25 has been amended to correct the error discovered by the Examiner. Claims 14 and 27 have been amended, without being narrowed, to clarify a "referring" Web resource from the first Web resource and the second Web resource. All claims amended to identify the Web resource as a "referring" Web resource express what had been implicit in the claims as originally worded.

Claims 1, 3-14, 16-27 and 29-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn et al. (U.S. Patent No. 6,308,202) in view of Merriman et al. (U.S. Patent No. 5,948,061). Applicant has canceled claims 1-9 without prejudice and reserves an opportunity to address the aforementioned rejections thereof in a subsequent application.

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Regarding claims 10-14 and 16-22, Applicant believes that the Examiner has not established a prima facie obviousness rejection thereof.

Merriman et al. teaches use of a cookie only to uniquely identify a user (see column 5, lines 18-28; column 7, lines 19-20; and column 8, lines 61-62). The same unique user identification number in the cookie is used for future accesses to any of a plurality of affiliate Web sites (see column 3, lines 27-30 and column 5, lines 25-28). Cohn et al. is silent with regard to cookies.

Claim 10's feature of providing at least one cookie for the client node, before any of the user-selectable hyperlinks has been user-selected from a referring Web resource using the client node, to store different advertiser-usable variables-- specific to different Web resources-- that are read from at least one script of the referring Web resource is undisclosed in both Cohn et al. and Merriman et al. Because of this undisclosed feature, Applicant submits that claim 10 and claims which depend therefrom are not prima facie obvious by Cohn et al. in view of Merriman et al.

Applicant has amended claim 23 to clarify that the act of reading a plurality of advertiser-usable variables within at least one script of a Web resource from a client node is performed by an advertisement server node before any of the user-selectable hyperlinks has been user-selected from the Web resource using the client node.

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In contrast, column 3, lines 24-28 and 41-52 of Merriman et al. discloses an advertisement server reading a user's IP address, a cookie, a page-indicating substring key, and MIME header information from the client node after a user requests an affiliate Web site. Column 7, line 15-16 of Cohn et al. discloses reading a URL which designates a website a user is viewing.

Thus, Applicant believes that amended claim 23 and claims which depend therefrom are patentable over Cohn et al. in view of Merriman et al.

Applicant has added new claims 36-41 to focus on group II features that are neither disclosed nor suggested by either Cohn et al. or Merriman et al. Support for the new claims can be found in the present application on page 18, line 19 to page 19, line 2; page 5, line 13 to page 6, line 2; page 16, line 24 to page 17, line 10; and page 19, line 29 to page 20, line 2. All of the new claims are believed to be readable upon the elected species by targeting an advertisement based on a specific type of tree (namely, a browsing sequence, which is a unary tree) and a specific attribute therein (namely, a position, which is a level number in a unary tree).

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Neither Cohn et al. nor Merriman et al. discloses or suggests targeting an advertisement to a particular numerical range of one or more acceptable positions in browsing sequences of Web resources as recited in claim 36. The particular numerical range may consist of one acceptable level number (e.g. only a level number of 1) as recited in claim 40, or may comprise a plurality of acceptable level numbers (e.g. level numbers of 3 to 4) as recited in claim 41. The Web resources may comprise search-identified Web resources as recited in claims 38 and 39.

In contrast, Cohn et al. targets advertising to particular categories such as sports, news, art, history, and finance (see column 4, lines 52-54).

New claim 37 features charging a higher billing rate for the advertisement for a first level number than for a second level number, wherein the first level number is less than the second level number. This feature is believed to be novel and non-obvious based on Cite No. AS (DoubleClick AltaVista Rate Card) that discloses the opposite for categorical trees, namely that Run of Sub-Category Banners have a higher price (\$60 CPM) than Run of Category Banners (\$40 CPM).

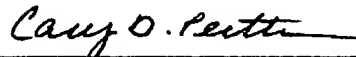
Applicant wishes to thank the Examiner for the telephone interview on August 14, 2003. In the interview, the Applicant and the Examiner discussed the 35 U.S.C. 112 rejection of claims 14 and 27, the 35 U.S.C. 103 rejections of independent claims 10 and 23, and new claims. The Applicant and the Examiner agreed that amending the claims

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to include an identifier such as "referring" for the Web resource clarifies it from the first and second Web resources. Arguments made by the Applicant in the interview for each of the art rejections have been summarized in the above remarks.

Respectfully submitted,



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